

Laurel, Del. Canned Tomatoes Should Be Packed In Their Own Juice Without Added Water."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13425. Misbranding of cottonseed cake. U. S. v. 300 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19536. I. S. No. 22699-v. S. No. W-942.)

On January 26, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed cake, remaining in the original unbroken packages at Denver, Colo., consigned by the Rotan Cotton Oil Mill, Rotan, Tex., alleging that the article had been shipped from Rotan, Tex., on or about January 10, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cracked Cottonseed Cake Prime Quality Manufactured by Rotan Cotton Oil Mill, Rotan, Texas. Guaranteed Analysis Crude Protein not less than 43%."

Misbranding of the article was alleged in the libel for the reason that the statement "Crude Protein not less than 43%," borne on the labels, was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On March 10, 1925, the Rotan Cotton Oil Mill, Rotan, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act.

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13426. Misbranding of cottonseed cake. U. S. v. Gonzales Cotton Oil & Mfg. Co. Plea of nolo contendere. Fine, \$1,000. (F. & D. No. 19589. I. S. No. 12320-v.)

On March 13, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gonzales Cotton Oil & Mfg. Co., a corporation, Gonzales, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 29, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds Net Manufactured By Gonzales Cotton Oil & Mfg. Co. Gonzales, Texas."

Examination of 25 sacks of the article by the Bureau of Chemistry of this department showed that the average net weight of the sacks examined was 96.95 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Net," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that each of the said sacks contained 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds of the article, whereas each of said sacks did not contain 100 pounds of the article but did contain a less amount.

On April 20, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1,000.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13427. Misbranding of ground mace, ground ginger, and ground nutmeg. U. S. v. McCormick & Co. Plea of nolo contendere. Fine, \$75 and costs. (F. & D. No. 19602. I. S. Nos. 15179-v, 15232-v, 15233-v.)

On March 30, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against McCormick & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about September 11, 1923, from the State of Maryland into the State of Vir-

ginia, of a quantity of ground mace, and on or about October 31, 1923, and January 16, 1924, from the State of Maryland into the District of Columbia, of quantities of ground ginger and ground nutmeg, respectively, all of which were misbranded. The articles were labeled in part: "McCormick's Bee Brand * * * $\frac{3}{4}$ Oz. Net Absolutely Pure Ground Mace" (or "4 Oz. Absolutely Pure Ground Ginger" or "4 Oz. Absolutely Pure Ground Nutmeg") "McCormick & Co., Spice Importers and Grinders."

Examination by the Bureau of Chemistry of this department of a sample of each of the articles showed that: 72 packages of the ground mace averaged 0.65 ounce; 12 packages of the ground ginger averaged 3.90 ounces; and 48 packages of the ground nutmeg averaged 3.76 ounces.

Misbranding of the article was alleged in the information for the reason that the respective statements " $\frac{3}{4}$ Oz. Net" and "4 Oz.," borne on the cans containing the articles, were false and misleading, in that the said statements represented that the cans contained $\frac{3}{4}$ ounce or 4 ounces of the respective articles, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained $\frac{3}{4}$ ounce or 4 ounces of the respective articles, as the case might be, whereas the said cans did not contain the amounts of the respective articles declared thereon but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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13428. Misbranding of cottonseed meal. U. S. v. George Emmett Light and David Walker Light (Pilot Point Oil Mill). Pleas of guilty. Fines, \$20. (F. & D. No. 19605. I. S. No. 22003-v.)

On May 7, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Emmett Light and David Walker Light, copartners, trading as Pilot Point Oil Mill, Pilot Point, Tex., alleging shipment by said defendants, in violation of the food and drugs act, on or about May 16, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43 per cent Protein Cotton Seed Meal Prime Quality Manufactured by Pilot Point Oil Mill Pilot Point, Texas Guaranteed Analysis Crude Protein, Not Less Than 43.00 per ct."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 39.84 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 per cent Protein Cotton Seed Meal" and "Guaranteed Analysis Crude Protein, Not Less Than 43.00 per ct.," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of crude protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein, whereas it did contain less than 43 per cent of crude protein, to wit, 39.84 per cent of crude protein.

On May 18, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 against each of the two defendants.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13429. Adulteration and misbranding of jam. U. S. v. 268 Cartons of Jam. Decree of condemnation and forfeiture. Product released to claimant to be relabeled. (F. & D. No. 19844. I. S. Nos. 22996-v, 22997-v. S. No. C-4660.)

On February 26, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 268 cartons of jam, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hudson Valley Pure Food Co., Highland, N. Y., on or about September 23, 1924, and transported from the State of New York into the State of Mis-